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Before the
Federal Communications Commission
Washington, D.C. 20554
FCC Docket No. 93-154
PR Docket No. 93-85

JUN 29 1993

FCC MAIL ROOM

In the Matter of

) FCC Docket No. 93-154

) PR Docket No. 93-85

Amendment of Part 97 of the
Commission's Rules Concerning
Message Forwarding Systems in
the Amateur Service

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To: The Federal Communications Commission

COMMENTS OF JAMES D. WAGNER, KA7EHK
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These comments are submitted by James D. Wagner, KA7EHK. Mr. Wagner is active in Amateur Service packet radio in the Pacific Northwest. Dr. Wagner has a Ph.D in Electrical Engineering and holds a Professional Engineering registration in the State of Colorado. He is a serves on the Packet Subcommittee of the Oregon Region Relay Council (O.R.R.C), the local coordination body for southwest Washington and the State of Oregon. The comments do not reflect the opinions of that body. In addition to his amateur radio interest, he has more than 30 years experience as an Electrical Engineer.

1 Support of the intent of the proposal

The author supports the intent to establish responsibility for violative content of messages within the Message Forwarding Systems in the Amateur Service.

2 Unintended consequences of the proposed language

The author wishes to point out that there appear to be a great number of unintended consequences within the proposed language of this Docket. The perceived unintended consequences will be discussed within the critique of the proposed language.

3 Purpose not accomplished

The author is further concerned that the proposed language will not accomplish the stated purpose of this Docket.

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4 FCC's purpose can be accomplished simply

The purpose of this Docket may be accomplished quite simply by fixing the sole responsibility for violative message language to the originating station.

5 Critique of proposed language

In this section, the author will discuss the language of each of the proposed sections.

§67.3(a)(28): The proposed definition appears to define a message forwarding system adequately.

§67.3(a)(36): The proposed language for defining a repeater is completely inadequate. First, angle-modulation represents only one of many modulation types in current use by repeaters. Image repeaters use VSB and FM; SSB repeaters are wide-spread in many parts of the U.S. The emergence of spread spectrum and other modulation techniques will add to this diversity. Repeaters which are not angle modulation would, by the proposed language of this section, become non-repeaters and thus, by inference from §97.205(d), be denied automatic operation.

The author (and many others) laud the clarification of repeater

"mailboxes". These mailboxes often accept messages for third parties. In many rural areas, such mailboxes are the only non-real time message passing facility available. These mailboxes generally have no provision which prevents availability of such messages prior to control operator perusal. Requiring that these mailboxes be disabled prevents their use even for messages directed to the control operator of the station. Such a prohibition would be rather like placing a maximum output limit of 10W on amateur stations where the great majority have transmitters of 25W to 1000W; the level of compliance would be very, very low.

§97.205(g): As the occasional control operator of a repeater which fits the proposed definition of §97.3(a)(36), I am comforted by the proposed wording of this section. However, as the occasional control operator of a node, I am left uneasy since nodes, by §97.205(b), are not repeaters; thus, control operators of nodes and bulletin boards obtain no protection from this proposed section.

§97.217(a): This proposed section appears to serve no function.

§97.217(b): In many, many situations, digital radio operators must utilize a local node to reach a bulletin board. Nodes are under automatic control. By the proposed wording of this section, the control operator of the node in such cases would be the one responsible for violative message content since the node is the first station retransmitting the message. But, other than turning off such a node (which may be simultaneously carrying non-violative communication) there may be no effective action which a control operator can exercise if one were even present. But, by the proposed language of §97.109(e), such nodes cannot transmit third-party traffic. This would make it illegal for digital radio operators to access bulletin boards through any network of nodes; only direct access to bulletin boards would be permitted. Such a restriction would (1) close bulletin board access to many digital radio operators, and (2) be contrary to enlightened networking practice.

6 Additional commentary

The proposed wording of this docket appears to focus on establishing responsibility for violative message content. The author wishes to assert that the only logical place for such responsibility is with the originating station.

The author is aware that the responsibility issue is the result of the now infamous "900-number" message in which the apparent originator has denied any part. If this is the case, then regulations concerning false use of an amateur call (and perhaps other illegal acts) also come into play.

If someone really wants to distribute a message containing violative language, it would only be necessary to utilize standard bulletin board software and impersonate a legitimate bulletin board complete with false callsign. Such an action would place the message outside the scrutiny proposed in this docket. It would be no more difficult for some amateurs than changing the callsign of